



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,810	04/15/2004	Fernando Incertis Carro	FR920030003US1	1564
30449 7590 09/16/2010 SCHMEISER, OLSEN & WATTS 22 CENTURY HILL DRIVE SUITE 302 LATHAM, NY 12110				
EXAMINER THERIAULT, STEVEN B				
ART UNIT		PAPER NUMBER		
2179				
MAIL DATE		DELIVERY MODE		
09/16/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/826,810

Applicant(s)

CARRO ET AL.

Examiner

STEVEN B. THERIAULT

Art Unit

2179

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-18 and 20-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-18, 20-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Art Unit: 2179

DETAILED ACTION

1. This action is responsive to the following communications: amendments and arguments filed 07/06/2010.
2. Claims 1-10, 12-18, 20-29 are pending in the case. Claim 1 is the independent claim.

This action is made Final.

Response to Arguments

Applicant's arguments with respect to claims 1-10, 12-18, 20-29 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

In light of the amendment to the claims, which claim 1 now recites presenting data visually to the user, the previous rejection is now considered moot as the displaying of the information ties the method to a machine.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made

Art Unit: 2179

absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claims 1-10, 12, 15-17, 20-23, 26-27 and 29 are rejected under 35 U.S.C 103(a) as being unpatentable over by Carro et al. (hereinafter Carro) U.S. Patent Publication No. 20020087598 published July 4, 2002, in view of Sussman et al. (hereinafter Sussman) U.S. Patent No. 5586196 issued Dec. 17, 1996, in further view of Sears et al. (hereinafter Sears) U.S. Patent No. 6115482 filed Oct. 22, 1998.**

It is noted, the critical reference date of Carro is determined in this case and the U.S. filing date is used as the publication qualifies as a 102(b).

In regard to **Independent claim 1**, Carro teaches a method for use in a user system, for accessing information related to a physical document, said method comprising the steps of:

- Identifying a physical document (See Para 76,154)
- Identifying and locating an electronic copy of said identified document (see Para 90,148, 165).
- Identifying one or a plurality of pages of said physical document and identifying a part of the identified physical document using the position of points on said identified pages (See Para 147, 160)

Art Unit: 2179

- retrieving from the electronic copy of the physical document, data related to the selected part of the document (See Para 116)
- Presenting said retrieved data visually or orally on the user system (see Para 148, 150. 236-245)

Carro does not expressly recite:

- presenting said retrieved data visually to a visually impaired person or orally to a blind person on the user system, wherein said presenting said retrieved data visually is configured to enable the visually impaired person to see said retrieved data, However, Sussman teaches a system that presents data to a visually impaired person after scanning a physical document (see column 1, lines 50-67 and column 15, top and column 26, lines 45-67 and column 27, lines 1-67). Carro and Sussman teach systems that scan a location on a document to retrieve information and then present the information to the user. Sussman teaches reading the physical document location information by reading column and line information (See column 23 and 24). Sussman expressly recites formatting and presenting document information for a user that is visually impaired.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention having the teachings of Carro and Sussman in front of them to modify Carro to present the information to the visually impaired by adjusting the highlighting feature. The motivation to combine comes from both Carro and Sussman, as Carro suggests that many possible applications exist with people with different areas of focus that want elements of physical documents highlighted and in Sussman that suggests that other image scanners can be used (see column 4, lines 1-2).

Additionally, Carro in view of Sussman do not expressly recite:

Art Unit: 2179

Wherein said presenting said retrieved data orally is configured to enable the blind person to hear said retrieved data.

However, Sears teaches a system that works with scanners, OCR devices and other devices that reads text allowed to the user for the purposes of aiding visually impaired users. Sears expressly mentions the process of assisting users with residual vision by scanning a documents and reading a section, indicated by the user gesture, aloud to the user. Sears, Carro and Sussman teach user assist devices and software that recognize elements of a document and perform a function on the element (See col. 2, lines 30-41, coll. 4, lines 10-35, col. 9, lines 20-67)

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention having the teachings of Carro, Sussman and Sears in front of them to modify Carro to present the information audibly to the visually impaired. The motivation to combine comes from within Sears that the system works with scanners and OCR systems and works with and enhances magnification systems, such as Sussman (see col. 19, lines 45-67 and col. 28, lines 10-25).

With respect to **dependent claim 2**, Carro teaches the method wherein identifying one or a plurality of pages of said physical document and identifying a part of the identified physical document using the position of points on said identified pages further comprises pressing said points on a touch foil successively placed and aligned over or under said identified pages (See Para 81, 112).

With respect to **dependent claim 3**, Carro teaches the method wherein said physical document and pages in said physical document are selected by a user (See Para 155, 172).

With respect to **dependent claim 4**, Carro teaches the method wherein a point on a touch foil is pressed with a fingertip or a pen (See Para 81, 112, 159).

Art Unit: 2179

With respect to **dependent claim 5**, Carro teaches the method wherein the step of identifying one or a plurality of pages of said physical document and identifying a selected part of the physical document using the position of points pressed on a touch foil successively placed and aligned over or under said identified pages, comprises: identifying a first page in said physical document (See Para 80, 186 -187); determining the position of a first point pressed on the touch foil placed and aligned over or under the identified first page, said first point corresponding to the start point of a part selected in said identified document (See Para 181-183, 188 , 203-206, 210); if start point and end point of the selected part are on a same page: determining the position of a second point pressed on the touch foil placed and aligned over or under the identified page of said document, said second point corresponding to the end point of said selected part (see Para 206, 210, 220-230); if start point and end point are not on a same page: identifying a second page in said physical document; determining the position of a second point pressed on the touch foil placed and aligned over or under the identified second page of said document, said second point corresponding to the end point of said selected part. Identifying the selected part of the identified physical document using the position of the start point and the end point (See Para 181-183, 188, 206, 210, 220-230).

With respect to **dependent claims 6-7, 15-17** as indicated in the above discussion Carro in view of Sussman, in further view of Sears teach the limitations of claim 1.

Carro in view of Sussman do not teach presenting retrieved data orally to the blind person and extracting text from data and converting to be read audibly.

However, Sears teaches a system that works with scanners, OCR devices and other devices that reads text allowed to the user for the purposes of aiding visually impaired users. Sears expressly mentions the process of assisting users with residual vision by scanning a documents and reading a section, indicated by the user gesture, aloud to the user. Sears, Carro and Sussman teach user assist devices and software that recognize

Art Unit: 2179

elements of a document and perform a function on the element (See col. 2, lines 30-41, coll. 4, lines 10-35, col. 9, lines 20-67)

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention having the teachings of Carro, Sussman and Sears in front of them to modify Carro to present the information audibly to the visually impaired. The motivation to combine comes from within Sears that the system works with scanners and OCR systems and works with and enhances magnification systems, such as Sussman (see col. 19, lines 45-67 and col. 28, lines 10-25).

With respect to **dependent claims 8-9, 12** as indicated in the above discussion Carro in view of Sussman, in further view of Sears teach the limitations of claim 1.

Carro does not teach presenting retrieved data visually to the visually impaired person by magnifying the data on the screen. However, Sussman teaches a system that presents data to a visually impaired person after scanning a physical document (see column 1, lines 50-67 and column 15, top and column 26, lines 45-67 and column 27, lines 1-67). Carro and Sussman teach systems that scan a location on a document to retrieve information and then present the information to the user. Sussman teaches reading the physical document location information by reading column and line information (See column 23 and 24). Sussman expressly recites formatting and presenting document information for a user that is visually impaired.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention having the teachings of Carro and Sussman in front of them to modify Carro to present the information to the visually impaired by adjusting the highlighting feature. The motivation to combine comes from both Carro and Sussman, as Carro suggests that many possible applications exist with people with different areas of focus that want

Art Unit: 2179

elements of physical documents highlighted and in Sussman that suggests that other image scanners can be used (see column 4, lines 1-2).

With respect to **dependent claim 10**, claim 10 reflects substantially similar subject matter as the amended claim 1 but presents the visual or oral features in the alternative. Thus claim 10 is rejected along the same rationale as claim 1.

With respect to **dependent claim 20**, Carro teaches the method wherein said user system is connected to a communication network comprising one or plurality of servers, and wherein the electronic copy of the physical document is located on one of said plurality of servers (Para 145, 151, 248, 224).

With respect to **dependent claim 21**, Carro teaches the method wherein the electronic copy of the physical document is located on the user system (see Para 117, locally).

With respect to **dependent claim 22**, Carro teaches the method wherein said user system is connected to a communication network comprising one or plurality of servers, and wherein the information and/or services associated with said physical document are located on one or a plurality of said servers (see Para 145, 151, 224, 248).

With respect to **dependent claim 23**, Carro teaches the method wherein the electronic copy of the physical document and the information and/or services associated with said physical document are located on the user system (See Para 145, 151, 173, 224, 248).

With respect to **dependent claim 24**, Carro teaches the method wherein: the

Art Unit: 2179

communication network is an Internet network; the one or plurality of servers are Web servers; and the document identifier is an internet address (See Para 145, 151, 173, 224, 248).

With respect to **dependent claim 26**, Carro teaches a user system comprising means adapted for carrying out the steps of the method according to claim 1 (See Figure 14-15).

In regard to **dependent claim 27**, Carro teaches a system comprising: a user system according to claim 26, optionally connected to a communication network; a touch foil to be placed over or under a page of a physical document for: detecting a pressure exercised over one or a plurality of point of its surface; and determining the coordinates of said one or plurality of points; and a connection between said touch foil and the user system (See Para 81, 112).

With respect to **dependent claim 29**, Carro teaches a computer program comprising instructions for carrying out the steps of the method according to claim 1, when said computer program is executed on the user system according to claim 26 (See Figure 14-15).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

Art Unit: 2179

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. **Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carro et al. (hereinafter Carro) U.S. Patent Publication No. 20020087598 published July 4, 2002, in view of Sussman et al. (hereinafter Sussman) U.S. Patent No. 5586196 issued Dec. 17, 1996, in further view of Sears et al. (hereinafter Sears) U.S. Patent No. 6115482 field Oct. 22, 1998, in view of Schneider et al. (hereinafter Schneider) U.S. Patent Publication No. 20020156866 filed Apr. 19, 2001. .**

With respect to **claim 25** as indicated in the above discussion Carro in view of Sussman in view of Sears teaches all the elements of claim 1.

Carro in view of Sussman in view of Sears teaches creating an electronic copy of the physical document; associating information and/or services with said electronic copy (See Para 145, 151, 173, 224, 248), but does not expressly recite the method wherein the step analyzing a document with Braille indications.

However, Schneider teaches a system that reads a character on a medium, recognizes the character and retrieves information over the web (See Para 78, 82, and figure 10-1).

Art Unit: 2179

Carro teaches retrieving information for services and making copies documents and display with illumination or highlighting (See 145-147, 151, 173, 224, and 248). Schneider teaches recognition of an address with media with an attachment to an image read from the medium where the media can be read via the text-to-speech system (See Para 113). Schneider suggests the use of an input code device that can track fingers, finger prints mnemonic, pattern, or object identifier which can be Braille (See Para 14, 78, and claim 12), Schneider, Sears, Sussman and Carro teach recognition of characters and images from a medium and then retrieving the information over the internet.

Accordingly, it would have been obvious to the skilled artisan at the time of the invention having Schneider and Carro in front of them to modify Carro to recognize barcodes and to read the characters to the user via a text to speech system. The motivation to combine Carro with Schneider comes from Schneider that a need to recognize symbols that help people to remember a given object and an addressing system that recognizes the symbols (See Para 15-16 and 47-50).

Claim 13-14, 18, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carro et al. (hereinafter Carro) U.S. Patent Publication No. 20020087598 published July 4, 2002, in view of Sussman et al. (hereinafter Sussman) U.S. Patent No. 5586196 issued Dec. 17, 1996, in further view of Sears et al. (hereinafter Sears) U.S. Patent No. 6115482 field Oct. 22, 1998, in view of Reichek et al. (hereinafter Reichek) U.S. Patent No. 5960448 filed Dec. 1995.

With respect to **dependent claims 13-14, 18 and 28**, as indicated in the above discussion Carro in view of Sussman in view of Sears teaches all the elements of claim 1.

Carro teaches identifying physical document (See Para 76); Carro in view of Sussman do not teach presenting retrieved data orally to the blind person and extracting text from data and converting to be read audibly.

Art Unit: 2179

However, Sears teaches a system that works with scanners, OCR devices and other devices that reads text allowed to the user for the purposes of aiding visually impaired users. Sears expressly mentions the process of assisting users with residual vision by scanning a documents and reading a section, indicated by the user gesture, aloud to the user. Sears, Carro and Sussman teach user assist devices and software that recognize elements of a document and perform a function on the element (See col. 2, lines 30-41, coll. 4, lines 10-35, col. 9, lines 20-67)

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention having the teachings of Carro, Sussman and Sears in front of them to modify Carro to present the information audibly to the visually impaired. The motivation to combine comes from within Sears that the system works with scanners and OCR systems and works with and enhances magnification systems, such as Sussman (see col. 19, lines 45-67 and col. 28, lines 10-25).

Moreover, Carro in view of Sussman in view of Sears does not teach reading a document of page via a barcode reader.

Reichek teaches reading a document and page ID using a barcode reader (See Figure 14 and column 3, lines 55-67 and column 16, bottom). Reichek teaches visually enhancing a document to assist the user while reading the document.

Accordingly, it would have been obvious to the skilled artisan at the time of the invention having Sussman, Sears, Carro and Reichek in front of them to modify Carro to recognize barcodes and read document ID's. The motivation to combine Carro with Reichek comes from the suggestion in to keep track of a visual enhancement by applying a barcode to it so that it can be retrieved (See col.16 and 17) and redisplayed by accessing the identifier.

Art Unit: 2179

A reference to specific paragraphs, columns, pages, or figures in a cited prior art reference is not limited to preferred embodiments or any specific examples. It is well settled that a prior art reference, in its entirety, must be considered for all that it expressly teaches and fairly suggests to one having ordinary skill in the art. Stated differently, a prior art disclosure reading on a limitation of Applicant's claim cannot be ignored on the ground that other embodiments disclosed were instead cited. Therefore, the Examiner's citation to a specific portion of a single prior art reference is not intended to exclusively dictate, but rather, to demonstrate an exemplary disclosure commensurate with the specific limitations being addressed. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)). In re: Upsher-Smith Labs. v. PamLab, LLC, 412 F.3d 1319, 1323, 75 USPQ2d 1213, 1215 (Fed. Cir. 2005); In re Fritch, 972 F.2d 1260, 1264, 23 USPQ2d 1780, 1782 (Fed. Cir. 1992); Merck & Co. v. Biocraft Labs., Inc., 874 F.2d 804, 807, 10 USPQ2d 1843, 1846 (Fed. Cir. 1989); In re Fracalossi, 681 F.2d 792, 794 n.1, 215 USPQ 569, 570 n.1 (CCPA 1982); In re Lambert, 545 F.2d 747, 750, 192 USPQ 278, 280 (CCPA 1976); In re Bozek, 416 F.2d 1385, 1390, 163 USPQ 545, 549 (CCPA 1969).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEVEN B. THERIAULT whose telephone number is (571)272-5867. The examiner can normally be reached on Mon.-Fri. 10 am - 7 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2179

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven B Theriault/
Primary Examiner
Art Unit 2179